

## **REMARKS**

The present response is to the Office Action mailed in the above-referenced case on 03/24/2008.

### **Examiner's Response to Applicant's Arguments for claim 1**

1. Applicant's arguments filed 12/13/2007 have been fully considered but they are not persuasive.
2. The applicant's representative disagrees with the Examiner's statement that the claims do not recite that the claimed modules are part of the software suite and argued that their claims positively recite that the software suit comprises the modules.

In response, the Examiner disagrees with the applicant's argument. The claimed language recites a software suite is installed on a computer appliance for enabling viewing and manipulation...from a plurality of external data sources. The data sources comprising the claimed plurality modules which are external data sources not included as part of the software suite. The plurality of modules is external data sources which are available for direct network access by one or more users.

### **Applicant's Response**

Applicant has amended the independent claims to particularly point out and distinctly claim that applicant has positively claimed "A software suite of software modules installed on and executing from a digital memory of a computer appliance the software suite comprising the following software modules..."

Applicant believes, up to this point in the prosecution of the present application, the Examiner has been intentionally finessing the clear meaning of the English language as it is applied in context of applicant's claim language in order to strengthen the teachings of the primary reference of Starr to read on the limitations of applicant's claims. Applicant's amendments herein made to the independent claims leaves no wiggle

room for the Examiner's creative interpretations. Applicant claims a software suite of software modules installed on and executing from a digital memory of a computer appliance, the software suite comprising a plurality of software modules. The teaching of Starr is interpreted by any reasonable person with ordinary skill in the art, as providing an interface which integrates services (not data) available at external financial service providers, such as a payroll service provider, a retirement plan service provider, a healthcare service provider or another type of service provider. The subscriber can select from the interface a financial transaction to perform. For example, one transaction that can be selected by the subscriber is to "Pay Payroll." Upon selecting this transaction at the user interface, the subscriber's computer sends an instruction to a webserver that coordinates transactions between different providers (col. 2 Lines 52-67).

Applicant argues Starr manages transaction instruction to external service providers and the service providers respond to a received instruction. The functions and/or software at outside service providers is not executing at the appliance of Starr. Starr is capable of sending a request for transaction to an outside service provider and receiving responses from said service providers. Starr has no other control of software at said service providers. Therefore, the software installed in the system of Starr does not and cannot include the plurality of software modules claimed in applicant's invention.

**Examiner argues**

Applicant's representative argues that "Starr clearly fails to teach separate modules communicating with each other, as claimed ....", further states that" Applicant points out clear misinterpretations of the art by the Examiner. Column 6, lines 12-52 merely teach that the system of Starr may connect to financial external services on the network wherein the user may instruct the system of Starr to perform services, which in turn, the system of Starr instructs the external services via Instruction Generator 44.

Applicant argues that these external services are not modules within the software suite as claimed, Column 9, line 20 to col. 11, line 12 of Starr teach operations of Instruction

generator 44. The broad portion of Starr, referenced by the Examiner, demonstrates how instructions are generated.

In response, the system of Starr's involves integrating all financial aspects of all service providers which implies that the different software(s) or modules do exchange data among them. Particularly, Starr states on column 4, lines 14-19 that "The elements of the system 10 can include commercially available systems that have been arranged and modified to act as a system according to the invention, which allows a subscriber to carry out integrated financial transactions, and optionally generated records of these integrated transactions". From this passage, it clearly implies that the various data from the various modules or software(s) of the service providers do exchange data once integrated in the server of 14 of Starr.

### **Applicant's response**

Applicant argues that a service provider in Starr may communicate directly with another service provider in order to respond to a transaction instruction received from Starr, but the communication is initiated from one service provider to another. For example, Starr may instruct a bill payment service to pay a bill. The bill payment service may then instruct a user's bank account to send funds to a certain vendor. What the Examiner is clearly neglecting to understand is that the communication is initiated between the two service providers when required to perform a task. Applicant claims the software modules are selectively interlinked by direct control of applicant's system and enabled to communicate with other modules exchanging DATA in such a way that the data incorporated in the software modules may be affected by actions performed in the other related modules.

Applicant teaches providing direct access to a user's service-providing entities through modules 213-229, hyperlinks to one or more configuration utilities associated with one or more modules servicing a particular class or type of data may also be provided. Another enhancement provided by interface 211 is that various sub-modules exemplified herein are interlinked with each other through database reporting engine 155

of Fig. 8 such that they may share overlapping data and cooperate with each other in prioritized or other fashions with regard to the presentation and reporting of data that may be associated or linked to more than one of the individual modules (page 54, line 19 to pg. 55, line 4).

Certainly this Examiner must be aware that a personal opinion of an Examiner as to what he/she believes a piece of art *implies* is far from sufficient evidence to support a rejection of anticipation against applicant's claims. Applicant positively claims implementing software control to interlink selected software modules exchanging data in such a way that the data incorporated in the software modules may be affected by actions performed in the other related modules. The Examiner has failed to show this limitation in the art, which is required in a 102 rejection.

#### **Examiner argues**

Applicant's representative then argues that Starr fails to teach viewing and manipulation of multiple categories of aggregated data compiled from a plurality of external data sources.

In response, in the system of Starr, there exists a plurality of service providers being respective data sources comprising a plurality of modules. These data sources or modules are integrated or compiled into the server 14 of Starr for access to one or more subscribers. See the above referred passage(s).

#### **Applicant's response**

The statement that the examiner makes above: "there exist a plurality of service providers being respective data sources..." is exemplary of the problems in this rejection. Applicant claims retrieving data from external data sources (bank accounts, etc.) and manipulating a displaying the data for a user. Starr teaches instructing an external service provider (a payroll service, for example) to accomplish a service on behalf of the user. THAY ARE NOT THE SAME THING. The Examiner's statement that data sources are integrated or modules are compiled in server 14 of Starr is completely erroneous as

evidenced by the Examiner's inability to actually show this teaching by column and line in Starr. Applicant is unable to find said teachings in the above passages referenced by the Examiner. Applicant respectfully requests the Examiner be more specific in pointing out said teachings.

**Examiner argues**

Applicant's representative then argues that Starr does not teach or suggest a calendar module having at least one display interface for enabling viewing and manipulation of time and date-sensitive calendar data.

In response, Starr teaches a bill payment module, a payroll service system which inherently comprise time and date-sensitive calendar data for ensuring timely payment. See column 6, lines 12-52 and column 11, lines 1-40 of Starr.

**Applicant's response**

Applicant argues that the bill payment service is an external service, therefore, any calendar module which the Examiner imagines to be in the bill payment service is certainly not under the control of Starr, and is not a part of the system of Starr. Starr specifically teaches:

"As can be seen from FIG. 2, the server 14 acts as middleware that coordinates the operations of the financial service providers 28 and 30 to allow perform a compound or integrated financial transaction, that involves the services of both these service providers. Specifically, the server 14 is as a functional block diagram that includes a web server 40, an access control module 42, an instruction generator 44 and a report generator 48."(col. 6, lines 59-67)

**Examiner argues**

Applicant then argues that Starr fails to teach or suggest a portfolio tracking module having at least one display interface for enabling viewing and manipulation of investment oriented account data, a net-worth reporting module, a bill-payment module, an account alert module.

In response, applicant is directed to column 10, line 14 to column 11, line 40 of Starr. As per argument related to the software modules being interlinked and enabled to communicate with other modules for exchanging data, see the above noted arguments.

### **Applicant's Response**

As previously argued by applicant, Starr fails to teach software modules internal to the system and external service provider modules in the art of Starr are NOT interlinked, as claimed. Further, the passages of Starr in columns 10 and 11 make absolutely no mention of a net-worth reporting module or an account alert module. Starr may refer to an investment management firm may provide portfolio services, but services provided at an external business Web site cannot read on internal functional software modules as disclosed and claimed in applicant's invention. (col. 6, lines 20-25)

Applicant also notes arguments that were not responded to by the Examiner including the Examiner failure to provide a specific portion of Starr's disclosure teaching the functional limitation of applicant's claim 1. In the previous "Response to Arguments" portion of the Office Action the Examiner states; "Starr does inherently teach these modules as *would have been envisioned* by the applicant (*note: the applicant didn't envision these modules, the applicant invented and claimed these modules*) because Starr obtains or retrieves various types of financial information from a plurality of different external data sources or business Web sites and stores these financial data in different modules or memory or subprograms for easy access, retrieval or data manipulation as these are inherent features of database techniques. (Starr does no such thing. Starr sends instructions for external service providers to perform services.) Furthermore, when storing this information in different databases or data modules or subprograms, the objective is to exchange data among them so as to update, retrieve and share information among them. These are well known database techniques which are inherently applied in the system of Starr."

Applicant points out because Starr neglects to teach the various functions and functional modules as claimed, or storing types of information included in the

functioning of the claimed modules, the ‘inherency’ argument used by the Examiner cannot prevail. (see “inherent” argument above) Applicant teaches that interface 211 provides various sub-modules interlinked through database reporting engine 155 of Fig. 8 such that they may share overlapping data and cooperate with each other in prioritized or other fashions with regard to the presentation and reporting of data that may be associated or linked to more than one of the individual modules.

**Merit rejection under 35 U.S.C. 102(e):**

Claims 1-9, 11-16 and 18-26 are standing for examination. Claims 1-8, 11-16 and 18-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Starr (US 6,606,606) hereinafter Starr.

**Applicant’s response:**

Applicant restates arguments presented in the last response reproduced below along with arguments given above regarding the Examiner’s “Response to Arguments”.

Applicant makes the general argument that the Examiner in this case is clearly investing prior art status in inventions that accomplish a similar purpose as the invention in examination, rather than following the principle that it is the actual limitations of the claim that must be found in the art. The Examiner relies on extremely broad interpretations of Starr, perceived inherent teachings and simply inserts additional teachings into Starr, which are clearly absent, to serve the stated rejection. Although Starr may be teaching initiating financial transactions per instruction from a user, the architecture, functionality, procedure and components, as claimed in applicant's invention are clearly not taught in the art of Starr. A different system that accomplishes a similar purpose in a different way is not material art in a 102 rejection. Two different and patentable distinct inventions may certainly perform similar, or even exactly the same functions. Steam engines and internal combustion engines both provide motive power to a drive shaft. That does not make them patentably equivalent. The Examiner must deal with all of the claimed elements and functions of those elements of applicant's invention

to establish a *prima facie* case of anticipation, not merely providing a small portion of similar functionality in a single art reference.

The Federal circuit states that, “anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, as arranged in the claim.” (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1984). Further the prior art reference must describe the applicant’s claim sufficiently to place a person of ordinary skill in the field of the invention in possession of it. Although this disclosure requirement presupposes the knowledge of one skilled in the art of the claimed invention, that presumed knowledge does not grant a license to read into the prior art reference teachings that are not there. (Motorola, Inc. V. Interdigital Technology Corp., 43 USPQ 2d 1481, 1490 (Fed. Cir. 1997). Applicant clearly demonstrates in the present response that the Examiner has read into the prior art reference teachings that are not there.

**First element:**

a calendar module having at least one display interface for enabling viewing and manipulation of time and date-sensitive calendar data;

The Examiner relies upon Starr’s teachings in column 6, line 12-52 and column 9 line 20 to column 11, line 12.

Applicant teaches a Calendar module 219 is provided with interface 211 and adapted to hold all of a user’s pending data-sensitive information.(page 54, lines 13-14). Applicant argues Column 6, lines 12-52 merely teach that the system of Starr may connect to financial external services on the network wherein the user may instruct the system of Starr to perform services, which in turn, the system of Starr instructs the external services via Instruction Generator 44. Applicant argues that these external services, or service providers in Starr cannot read on modules within the software suite as claimed.

Column 9, line 20 to col. 11, line 12 of Starr teach operations of Instruction generator 44 including independent communications between service providers. In summary the broad portion of Starr, referenced by the Examiner, demonstrates how instructions are generated from Instruction Generator 44 to outside services on behalf of the user. Column 10 fairly teaches account initiation procedures in the system of Starr for new subscribers. There is absolutely no teaching or suggestion in the art of Starr of providing a software suite incorporating separate software modules including a calendar module, as claimed. Starr provides a central Instruction Generator 44 for instructing all steps of all transactions taking place in the system.

Applicant argues that the above portion of Starr is silent as to the teaching of a calendar module having at least one display interface for enabling viewing and manipulation of time and date-sensitive calendar data. Starr specifically teaches:

"As can be seen from FIG. 2, the server 14 acts as middleware that coordinates the operations of the financial service providers 28 and 30 to allow perform a compound or integrated financial transaction, that involves the services of both these service providers. Specifically, the server 14 is as a functional block diagram that includes a web server 40, an access control module 42, an instruction generator 44 and a report generator 48."(col. 6, lines 59-67)

**Applicant points out that this teaching of Starr is the limit of “modules” taught in the entire disclosure. Starr fails to teach a calendar module, or any other type of calendaring in the system.**

**Second element:**

a transaction module having at least one display interface for enabling viewing and manipulation of financially oriented account data;

The Examiner relies upon Starr's teachings in column 6, line 12-52 and column 9 line 20 to column 11, line 12.

Applicant teaches a Transaction Center module 221 is provided within interface 211 and adapted to list and summarize all of a user's online and manually input

transactions. (page 54, lines 14-16) Applicant argues that although Starr teaches giving instructions for transactions occurring at service providers, Starr does not give users direct access to SPs once logged in, the user is limited to selecting control functions from a Web page, (col. 11, lines 13-17). Therefore, Starr fails to teach a transaction module, as claimed.

**Third element:**

a portfolio tracking module having at least one display interface for enabling viewing and manipulation of investment oriented account data;

The Examiner relies upon Starr's teachings in column 6, line 12-52 and column 9 line 20 to column 11, line 12.

Applicant's system provides a Portfolio Tracker module 227 within interface 211 and adapted to follow and report parameters related to the user's favorite stocks and other investment vehicles. (page 54, lines 23-25) Applicant argues that Starr fails to teach a portfolio tracking module. Starr teaches controlling a single core account that is utilized to provide funds for services such as bill pay and payroll. Starr does teach that a financial service provider can include investment management firms that offer cash management accounts which combine check writing and debit card services with money market rates of interest and which are insured against loss or optionally value decline, but this is merely a description of a core account in Starr, or an account providing funds for services at other SPs, for example bill pay or payroll, the investment management firm may provide portfolio services, but services provided at an external business Web site cannot read on internal functional software modules as disclosed and claimed in applicant's invention. (col. 6, lines 20-25)

**Fourth element:**

a net-worth reporting module having at least one display interface for displaying a solution-oriented net-worth report compiled from the aggregated data;

The Examiner relies upon Starr's teachings in column 6, line 12-52 and column 9 line 20 to column 11, line 12.

Applicant teaches a Net Worth module 215 uses the calculative and logic functions provided by database reporting engine 155 of Fig. 8 to present a periodic report summary of a user's current net worth. In this example, both assets and liabilities are graphically illustrated and color-coded to individual categories of assets or liability. (Page 56, lines 11-16) Applicant argues that Starr fails to teach an internal software module, as claimed. Column 11, lines 1-12, of Starr teaches that a *user* may download information onto a desktop accounting program. Applicant points out this account information are only completed transactions and the accounting program is an external program on the subscriber's computer and is not part of Starr's system.

**Fifth element:**

a bill-payment module having at least one display interface for enabling viewing and initiation of payment action regarding current billing data; and

The Examiner relies upon Starr's teachings in column 6, line 12-52 and column 9 line 20 to column 11, line 12.

**Sixth element:**

an account-alert module having at least one display interface for reporting time and event sensitive account alerts related to changes in account data due to occurring events or pre-configured time parameters;

The Examiner relies upon Starr's teachings in column 6, line 12-52 and column 9 line 20 to column 11, line 12.

An Account Alerts module 213 is provided within interface 211 of applicant's invention and is adapted to display various types of user-configured alerts that may be

applied to a wide range of user account types. (page 54, lines 2-5) As argued above on behalf of applicant's claimed calendar module, Starr fails to teach tracking time and event sensitive data occurring at financial accounts.

**Seventh element:**

wherein the data sources are external business Web sites where an individual user holds accounts requiring at least the individual's user name and password to access the data and the software modules are selectively interlinked and enabled to communicate with other modules exchanging data in such a way that the data incorporated in the software modules may be affected by actions performed in the other related modules, and the user is enabled to navigate and conduct transactions and reporting between the modules via the single user interface.

Applicant argues the Examiner fails to provide a specific portion of Starr's disclosure teaching the above functional limitation of applicant's claim 1. In the "Response to Arguments" portion of the Office Action the Examiner states; "Starr does inherently teach these modules as *would have been envisioned* by the applicant (*note: the applicant didn't envision these modules, the applicant claimed these modules*) because Starr obtains or retrieves various types of financial information from a plurality of different external data sources or business Web sites and stores these financial data in different modules or memory or subprograms for easy access, retrieval or data manipulation as these are inherent features of database techniques. Furthermore, when storing this information in different databases or data modules or subprograms, the objective is to exchange data among them so as to update, retrieve and share information among them. These are well known database techniques which are inherently applied in the system of Starr."

Applicant points out because Starr neglects to teach the various functions and functional modules as claimed, or storing types of information included in the

functioning of the claimed modules, the ‘inherency’ argument used by the Examiner cannot prevail. (see “inherent” argument above)

Applicant teaches that interface 211 provides various sub-modules interlinked with each other through database reporting engine 155 of Fig. 8 such that they may share overlapping data and cooperate with each other in prioritized or other fashions with regard to the presentation and reporting of data that may be associated or linked to more than one of the individual modules.

**Merit rejection under 35 U.S.C. 103(a):**

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Starr.

**Examiner’s rejection:**

The financial system and method of Starr are discussed above. Starr does not explicitly teach an account-bookmarks module having at least one interface for listing URLs of the plurality of data sources. The system of Starr is an Internet based system containing a web browser and the ability to save and list URLs of the plurality of data sources. Having an account-bookmarks module as claimed would have been obvious to one of ordinary skill in the art at the time of the invention to provide in the system of Starr in order to provide a quick storage of the URLs for fast and easy access of the data sources. Monitoring travel plans is not explicitly taught by Starr. It is noted that the system of Starr is directed to integrating aspects and financial information of a business or individual. The individual would certainly like to travel for business or pleasure. Incorporating the management of travel information related to traveling plans or cost related to travel data in the system of Starr would have been obvious to one of ordinary skill in the art to do. The motivation would have been to track and monitor most financial aspects of an individual or business as such is the intended goal of Starr.

**Applicant's response:**

Applicant teaches a Communications module 223 is provided within interface 211 and adapted to report parameters associated with a user's online communications applications. An Account Bookmarks module 225 is provided within interface 211 and adapted to list all of a user's Web services in the form of hyperlinks, which are enhanced with automatic login functionality (known to inventor). (page 54, lines 16-24) Applicant also teaches a Travel Planning module 229 is provided within interface 211 and adapted to enable a user to initiate, create, and manage travel itineraries including all parameters related to ticket purchase, hotel accommodations, car rentals, and other related tasks. (page 54, lines 25-28)

Applicant argues that Starr is not directed to "integrating aspects and financial information of a business or individual" as stated by the Examiner. Starr specifically teaches managing and processing financial transactions of a small business and does not expand beyond initiating and recording currency exchanges between a cash account held by the subscriber and service providers, and storing completed transactions. It is not an intended goal of Starr to track and monitor most financial aspects of an individual or business. Applicant respectfully requests the Examiner point out specifically what column and line number of Starr incorporates this teaching. As argued above, every element of applicant's claim limitations must be directly or inherently taught in the art to support a valid 102 rejection. There is no mention of software modules for travel or communicating as claimed above in the art of Starr. There is no motivation to provide bookmarks because Starr teaches accessing the database for communication path set up submitting an electronic instruction. The subscriber in Starr does not navigate to Web sites, so a bookmark module would have no function in the art of Starr.

**Merit rejection 35 USC § 101**

Claims 1-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non- statutory subject matter.

**Applicant's response:**

Applicant herein amends the preamble of claim 1 to recite, "A software suite of software modules installed on and executing from a digital memory of a computer appliance, the software suite comprising the following software modules."

Applicant believes said amendment overcomes the Examiner's 101 rejection.

**Summary**

As extensively argued above, Starr fails to teach all of the limitations in applicant's independent claims 1, 11 and 20, as amended, therefore the case of a prima facie case of anticipation has not been made by the Examiner and the claims are patentable. Dependent claims 2-9, 12-16, 18-19 and 21-26 are patentable on their own merits, or at least as depended from a patentable claim.

As all of the claims standing for examination have been shown to be patentable over the art of Starr, applicant respectfully requests reconsideration, and that the present case be passed quickly to issue. If there are any time extensions needed beyond any extension specifically requested with this response, such extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,  
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